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JUN 7 1993

June 7, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary - Stop Code 1170
Federal Communications Commission
1919 M Street, Room 222
Washington, DC 20554

93-115

Re: Concord-Carlisle Regional School District
File No. BPED-860424MC

Dear Ms. Searcy:

Transmitted herewith on behalf of Concord-Carlisle Regional School District, are an original and six (6) copies of its "CONTINGENT MOTION FOR SUMMARY DECISION".

Should any questions arise concerning this matter, kindly communicate directly with the undersigned.

Very truly yours,

Kathleen Victory
Kathleen Victory

Enclosures

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BEFORE THE

JUN - 7 1993

Federal Communications CommissionFEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20554

In re Applications of

CONCORD-CARLISLE REGIONAL
SCHOOL DISTRICT (WIQH)
Concord, MassachusettsTECHNOLOGY BROADCASTING
CORPORATION (WMBR)
Cambridge, MassachusettsFor Construction Permits for
Modification of FacilitiesMM DOCKET NO. 93-115

File No. BPED-860424MC

File No. BPED-920326IA

To: The Honorable Joseph Chachkin
Administrative Law Judge**CONTINGENT MOTION FOR SUMMARY DECISION**

Concord-Carlisle Regional School District ("Concord"), licensee of WIQH-FM, Concord, Massachusetts, and applicant in the above-captioned proceeding, respectfully requests the Presiding Judge to grant summary decision as to the issues specified in the Hearing Designation Order, DA-93-428, released April 21, 1993, and thereafter to grant both of the above-captioned applications. In support, the following is respectfully stated:

1. Under separate cover, Concord today submits a Petition for Leave to Amend (the "Petition") and an amendment seeking a waiver of Section 73.509 of the Rules. In the Petition, Concord establishes that good cause exists for the acceptance of the post-designation amendment. Concord further establishes that a grant of the requested waiver is in the public interest.

2. If the Presiding Judge grants the Petition and the waiver of Section 73.509 of the Rules the mutual exclusivity between the

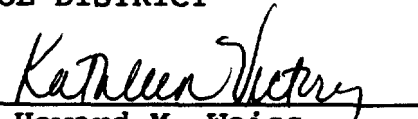
applicants will have been eliminated and no material issues of fact will remain to be tried herein. Summary decision will be warranted under Section 1.251 of the Rules.

WHEREFORE, if the Presiding Judge grants the Petition and the Section 73.509 waiver requested in the amendment attached to the Petition, it is respectfully submitted that the Presiding Judge issue an order waiving the issues designated in the Hearing Designation Order, granting the applications of both Concord-Carlisle Regional School District and Technology Broadcasting Corporation and terminating this proceeding.

Respectfully submitted,

CONCORD-CARLISLE REGIONAL
SCHOOL DISTRICT

By


Howard M. Weiss
Kathleen Victory

FLETCHER, HEALD & HILDRETH
1300 North 17th Street
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June 7, 1993

CERTIFICATE OF SERVICE

I, Diane Roper, a secretary in the law offices of Fletcher, Heald & Hildreth, hereby certify that I have on this 7th day of June, 1993, had copies of the foregoing "CONTINGENT MOTION FOR SUMMARY DECISION" mailed by U.S. Mail first class, postage prepaid, to the following:

*Honorable Joseph Chachkin
Administrative Law Judge
Federal Communications Commission
2000 L Street, NW, Room 226
Washington DC, 20554

Lawrence M. Miller, Esquire
Schwartz Woods & Miller
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Washington, DC 20036-1702

Paulette Laden, Esquire
Hearing Branch, Room 7212
Enforcement Division, Mass Media Bureau
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2025 M. Street, NW
Washington, DC 20554


Diane Roper

* denotes hand delivery